

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

COURTNEY LEWIS, #136971 §
VS. § CIVIL ACTION NO. 4:11cv81
HONORABLE BRUCE McFARLING, ET AL. §

ORDER OF DISMISSAL

Plaintiff Courtney Lewis, an inmate confined in the Denton County Jail, proceeding *pro se* and seeking to proceed *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation that the claims Plaintiff filed pursuant to § 1983 be dismissed without prejudice for failure to prosecute and failure to obey an order pursuant to Fed. R. Civ. P. 41(b). Plaintiff was ordered on July 7, 2011 to pay an initial partial filing fee within 30 days or show cause why he could not and had been warned that failure to do could result in dismissal of his lawsuit. He did not pay the initial partial filing fee nor show that he had insufficient funds with which to do so. Nonetheless, Plaintiff has filed objections. He simply contends that the Court is not receiving his pleadings because the jail has failed to file them on his behalf. Therefore, he filed a grievance with the jail facility. As of the date of his objections, October 3, 2011, he still has not either paid the initial partial filing fee nor shown that he has insufficient funds. Further, the docket itself shows that his pleadings continue to be filed regularly in this Court, including his objections and a discovery motion. Therefore, his objections are baseless.

Having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court

is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit. Accordingly, the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

ORDERED that Plaintiff's complaint is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b). It is further

ORDERED that any and all motions not yet addressed are hereby **DENIED**.

SIGNED this the 30th day of March, 2012.


Richard A. Schell
RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE